

REMARKS – General

Claim Rejections under 35 USC §103:

The most recent Office Action (OA) maintained a rejection to claims 1-33, 35, 36, 39-51, 55, 56, 58, and 60-73 under 35 USC §103 as being unpatentable over Tso et al., US Pat. No. 6,088,803, hereinafter “Tso”, in view of Subramaniam et al., US Pat. No. 6,640,302, hereinafter “Sub,” further in view of Jamtgaard et al., US Pat. No. 6,430,624, herein after “Jam.” (Note that the OA lists Jam as having No. 6,430,324. However, Applicants presume that the number is 6,430,624, and respond accordingly.)

In its reply, Applicants respectfully traversed the rejection. Specifically, Applicants submitted that none of Tso, Sub, or Jam teaches determining whether the pre-provisioned content is stored locally or with a trusted third party host, and where the pre-provisioned content is stored with the trusted third party host, retrieving the pre-provisioned content from the trusted third party host and delivering it without additional provisioning. Applicants restate this submission here, and respectfully submit that the claims as amended on June 18 are patentable over the combination of Tso, Sub, and Jam.

Applicants received a telephone call from the Examiner on July 1, 2008. The Examiner indicated, without expressing opinion on the merits of Applicants’ June 18 response, that claim 7 would be in condition for allowance if rewritten to include its independent claim and any intervening claims. Applicants kindly thank the Examiner for the call.

To further prosecution of the present case, Applicants have amended claim 1 – and independent claims 30, 45, and 61 – to include the limitations of claim 7. Applicants respectfully submit that this case is thus in condition for allowance. Applicants respectfully request reconsideration of the rejection in light of the amendment.

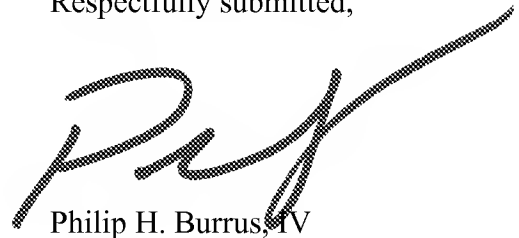
Applicants will concurrently file a continuation application to prosecute the claims set forth in the June 18 amendment.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit. If any matter may be more easily handled by telephone, the undersigned attorney welcomes telephone calls from the Examiner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "PHILIP H. BURRUS, IV", with a long, sweeping horizontal stroke extending to the right.

Philip H. Burrus, IV

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